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United States Department of Agriculture,

INSECTICIDE AND FUNGICIDE BOARD.

J. K. HAYWOOD, *Chairman*; M. B. WAITE, A. L. QUAINANCE, J. A. EMERY.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

No. 37.

N. J. 676-700.

[Approved by the Secretary of Agriculture, Washington, D. C., Oct. 15, 1921.]

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910.

[Given pursuant to section 4 of the Insecticide Act of 1910.]

676. Adulteration and misbranding of "Lion Brand Pure Paris Green."
U. S. * * * v. The James A. Blanchard Co., a corporation. Plea
of guilty. Fine, \$15. (I. & F. No. 1027. Dom. No. 15649.)

On May 25, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The James A. Blanchard Company, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about March 17, 1920, from the State of New York into the State of Colorado, of a quantity of "Lion Brand Pure Paris Green," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the words, to wit, "Warranted Pure Paris Green * * * Lion Brand Pure Paris Green * * * Is Strictly Pure * * *" borne and printed on each of the labels affixed to each of the cartons containing the article, represented and professed that the said article was pure Paris green; whereas, in fact and in truth, an excessive proportion of a substance, to wit, sodium sulphate, had been mixed and packed with the said Paris green so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Warranted Pure Paris Green * * *. Lion Brand Pure Paris Green * * * Is Strictly Pure * * * The quality is guaranteed to conform to all Government and State Law regulating the manufacture and sale of Paris Green," borne and printed on each of the labels affixed to each of the cartons containing the article, were false and misleading, and by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented and professed that the said article was pure Paris green

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and that it conformed to all Government laws regulating the manufacture and sale of Paris green; whereas, in fact and in truth, the said article was not pure Paris green, but was a Paris green which contained an excess of sodium sulphate and the quality of the said article was not such that it conformed to all Government laws regulating the manufacture and sale of Paris green.

On June 27, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

677. Adulteration and misbranding of "Glidden Dry Powdered Arsenate of Calcium." Tried to the court. Decree of condemnation and order releasing of the product under bond. (I. & F. No. 1033. Seizure No. 102. Dom. No. 16071.)

On April 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of 1,200 cartons and 45 barrels of "Glidden Dry Powdered Arsenate of Calcium." It was alleged in the libel that the article had been shipped on or about December 3, 1920, by the A. Wilhelm Company, Reading, Pa., from the State of Pennsylvania into the State of Texas, and that having been so transported it remained unsold in the original unbroken packages at Dallas, Texas, and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that certain statements regarding the article, to wit,

Active Ingredients:

Calcium Arsenate (not less than)-----	71.0%
Inert Ingredients (not more than)-----	29.0%
Total Arsenic (as metallic) (not less than)-----	27.3%
Arsenic Oxide (As_2O_3) (not less than)-----	42.0%

borne and printed on each of the labels affixed to each of the cartons and barrels containing the article purported and professed that the standard and quality of the said article were such that it contained calcium arsenate in a proportion of not less than 71 per centum, that it contained inert ingredients, that is to say, substances which do not prevent, destroy, repel, or mitigate insects, in a proportion of not more than 29 per centum, that it contained total arsenic, equivalent to and expressed as metallic arsenic, in a proportion of not less than 27.3 per centum and arsenic oxide (As_2O_3) in a proportion of not less than 42 per centum; whereas the strength and purity of the said article fell below the said professed standard and quality in that it contained calcium arsenate in a proportion of less than 71 per centum and inert ingredients, in a proportion greater than 29 per centum, and the said article contained total arsenic, equivalent to and expressed as metallic arsenic, in a proportion of less than 27.3 per centum and arsenic oxide (As_2O_3) in a proportion of less than 42 per centum.

Misbranding was alleged for the reason that the statements aforesaid borne and printed on each of the labels affixed to each of the cartons and barrels containing the article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained calcium arsenate in a proportion of not less than 71 per centum and inert ingredients in a proportion of not more than 29 per centum, that it contained total arsenic, equivalent to and expressed as metallic arsenic, in a proportion of not less than 27.3 per centum and arsenic oxide (As_2O_3) in a proportion of not less than 42 per

centum; whereas, in fact and in truth, the said article contained calcium arsenate in a proportion of less than 71 per centum and inert ingredients in a proportion greater than 29 per centum, and it contained total arsenic equivalent to and expressed as metallic arsenic in a proportion of less than 27.3 per centum and arsenic oxide (As_2O_5) in a proportion of less than 42 per centum.

On May 16, 1921, the case having come on for final disposition, the Glidden Company, Dallas, Texas, claimant, having waived a jury, the case was submitted to the court, which, after hearing the evidence, entered a decree of condemnation and ordered that they should be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000 in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

678. Adulteration and misbranding of "Smith Arsenate of Lead." U. S. * * * v. The Glidden Company, a corporation. Plea of guilty. Fine, \$100. (I. & F. No. 1035. Dom. No. 15493.)

On or about June 22, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Glidden Company, a corporation, having a place of business at Reading, Pa., alleging shipment by said company, in the name of H. J. Smith & Co., in violation of the Insecticide Act of 1910, on or about April 8, 1920, from the State of Pennsylvania into the State of Maryland, of a quantity of "Smith Arsenate of Lead," which was an adulterated and a misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that certain statements regarding the articles, to wit,

Total Arsenic (as metallic) (Not less than)-----	20.2%.
Arsenic Oxide (As_2O_5) (Not less than)-----	31.0%.

borne and printed on each of the labels affixed to each of the cartons containing the said article, purported and professed that the standard and quality of the said article were such that it contained total arsenic, equivalent to, and expressed as metallic arsenic, in a proportion of not less than 20.2 per centum, and arsenic oxide (As_2O_5), in a proportion of not less than 31 per centum; whereas the strength and purity of the said article fell below the said professed standard and quality under which it was sold, in that in fact and in truth, it contained total arsenic, equivalent to and expressed as metallic arsenic in a proportion of less than 20.2 per centum, and arsenic oxide (As_2O_5) in a proportion of less than 31 per centum.

Misbranding was alleged for the reason that the above quoted statements borne and printed on each of the labels affixed to each of the cartons containing the article were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented and professed that the article contained total arsenic, equivalent to and expressed as metallic arsenic, in a proportion of not less than 20.2 per centum and arsenic oxide (As_2O_5) in a proportion of not less than 31 per centum; whereas in fact and in truth, the said article contained total arsenic, equivalent to and expressed as metallic arsenic, in a proportion of less than 20.2 per centum, and arsenic oxide (As_2O_5) in a proportion of less than 31 per centum.

On June 29, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

679. Misbranding of "Martin's Wonderful Blue Bug Killer." U. S. * * * v. C. J. Martin. Plea of nolo contendere. Verdict of guilty. Fine, \$50 and costs. (I. & F. No. 957. Dom. No. 15421.)

On March 17, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against C. J. Martin, Austin, Texas, alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about May 16, 1919, from the State of Texas into the State of Arizona, of a quantity of "Martin's Wonderful Blue Bug Killer" which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted completely of inert substances or ingredients to wit, sulphur, ferrous sulphate and charcoal, which inert substances or ingredients do not prevent, destroy, repel, or mitigate insects known as blue bugs on poultry, when used as directed, and the names and percentage amounts of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the packages containing the said article. Misbranding was alleged for the further reason that the statements regarding the article, to wit,

"Martin's Wonderful Blue Bug Killer * * * I guarantee this remedy to rid chickens of Blue Bugs if used as directed * * * Directions—For every 12 Chickens give one large tablespoonful of Martin's Wonderful Blue Bug Killer to one quart of Bran. Mix well and wet until crumbly. Once a day for one week; mix fresh every day."

borne and printed on each of the labels affixed to each of the packages containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented and professed that the article, when used in the method and manner and the strength and proportion as directed thereby, would be effective against blue bugs on poultry, whereas in fact and in truth the said article, when used in the method and manner and in the strength and proportion as directed by the said statements would not be effective against blue bugs on poultry.

On June 14, 1921, the defendant entered a plea of nolo contendere to the information, and the court entered a verdict of guilty and imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

680. Adulteration and misbranding of "The Improved No. 1 International Germ Destroyer." U. S. * * * v. International Chemical Co., a corporation. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 492. Dom. No. 11052.)

On October 20, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the International Chemical Company, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about November 5, 1915, from the State of Illinois into the State of Pennsylvania, of a quantity of "The Improved No. 1 International Germ Destroyer" which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Inert Matter, Water, Not More Than 10%," borne on the label of each of the packages containing the article, purported and professed that the standard and quality of the said article was such that it contained an

inert substance, to wit, water, in a proportion not exceeding 10 per centum, which said inert substance does not prevent, destroy, repel, or mitigate fungi, whereas the strength and purity of the said article fell below the professed standard and quality aforesaid in that in truth and in fact it did contain water in a proportion greater than 10 per centum.

Misbranding was alleged for the reason that the statement, to wit, "Inert Matter. Water, Not More Than 10%" regarding the article and the ingredients and substances contained therein, borne on the label of each of the packages aforesaid, was false and misleading in that it represented that the said article contained inert matter, to wit, water, in a proportion not greater than 10 per centum, whereas in truth and in fact the said article did contain water in a proportion greater than 10 per centum. Misbranding was alleged for the further reason that the label did not state correctly the name and percentage amount of the inert ingredient, to wit, water, contained in the said article, which inert ingredient does not prevent, destroy, repel, or mitigate fungi, nor in lieu of the name and percentage amount of the said inert ingredient were the names and percentage amounts of each and every ingredient of the article having fungicidal properties and the total percentage of the said inert ingredient present in the said article, stated plainly and correctly on the said label.

On March 30, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and on July 1, 1921, the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

681. Adulteration and misbranding of arsenate of lead. U. S. * * * v. The James A. Blanchard Co., a corporation. Plea of non vult. Fine, \$25. (I. & F. No. 496. Dom. No. 10178.)

On July 9, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against The James A. Blanchard Company, a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about February 24, 1915, from the State of New York into the State of Ohio, of a quantity of "Lion Brand Arsenate of Lead" which was adulterated and misbranded in violation of said act.

Adulteration of the article was alleged in the information for the reason that the said article was lead arsenate and contained more than 50 per centum of water, and the resulting mixture was not labeled "Lead Arsenate and Water," and the percentage of extra water, that is to say, the percentage of water over and above 50 per centum, was not plainly and correctly stated on each or any label on the cans containing the said article, for the further reason that it contained arsenic equivalent to less than $12\frac{1}{2}$ per centum of arsenic oxid (As_2O_5), and for the further reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statement, regarding the article and the ingredients and substances contained therein, borne on the labels on each of the cans containing the said article, to wit, "As it leaves our factory is guaranteed to test 50 to 55 per cent. arsenate of lead, $12\frac{1}{2}$ to 15 per cent As_2O_5 " was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser into the belief that it contained arsenate of lead in a proportion of 50 to 55 per centum and arsenic oxid (As_2O_5) in a proportion of $12\frac{1}{2}$ per centum, whereas in fact and

in truth the said article contained arsenate of lead in the proportion less than 50 per centum and contained arsenic oxid in a proportion less than 12½ per centum.

On December 10, 1920, a plea of non vult to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

682. Misbranding of "Safe-T-Kros Louse Killer." U. S. * * * v. American Druggists Syndicate, a corporation. Pleas of non vult. Fine, \$20. (I. & F. Nos. 707, 708. Dom. Nos. 13740, 13786.)

On July 11, 1919, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the American Druggists Syndicate, a corporation, Long Island City, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about January 15, and September 11, 1917, from the State of New York into the States of Vermont and California, respectively, of quantities of "Safe-T-Kros Louse Killer" which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in substance in the informations for the reason that the statement, to wit, "Inert ingredients commercial magnesium oxide 84%," borne and printed on each of the labels affixed to each of the cans containing the article was false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that the said statements represented that magnesium oxide contained in the said article was the only inert ingredient contained therein, that is to say, the only substance and ingredient contained in the said article which does not and did not prevent, destroy, repel, or mitigate insects, to wit, lice that infest poultry and domestic animals, whereas in fact and in truth the said article did contain substances and ingredients which do not prevent, destroy, repel, or mitigate insects, to wit, lice that infest poultry and domestic animals, other than and in addition to magnesium oxide so contained in the said article. Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than naphthaline and sulphur, which said inert substances and ingredients do not and did not prevent, destroy, repel, or mitigate insects, to wit, lice that infest poultry and domestic animals, and the names and the percentage amounts of each and every one of the said inert ingredients so present therein were not stated plainly and correctly on each or any label affixed to each or any of the cans containing the article, nor in lieu thereof were the names and percentage amounts of each and every ingredient of the article having insecticidal properties, and the total percentage of the said inert ingredients so present therein stated plainly and correctly on each or any label affixed to each or any of the said cans.

On December 24, 1920, pleas of non vult to the informations were entered on behalf of the defendant company and the court imposed fines in the aggregate sum of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

683. Adulteration and misbranding of "Vitrio * * * Blended Bordeaux and Lead Arsenate." U. S. * * * v. The James A. Blanchard Co., a corporation. Pleas of non vult. Fine, \$50. (I. & F. Nos. 710, 711. Dom. Nos. 13174, 13335.)

On July 11, 1919, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district, informations against The James A. Blanchard Company, a corporation, Brooklyn, N. Y., alleging shipment by said

company, in violation of the Insecticide Act of 1910, on or about March 7 and April 25, 1917, from the State of New York into the States of Virginia and New Jersey, respectively, of quantities of "Vitrio * * * Blended Bordeaux and Lead Arsenate," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the informations for the reason that the statements, to wit,

Analysis.—Active Ingredients: Dry Lead Arsenate not less than 10%; Copper not less than 2.5%. Inert Ingredients not less than 87.5%. Total Arsenic (expressed as percentage of Metallic Arsenic) not less than 3%. Arsenic Water Soluble (expressed as percentage of Metallic Arsenic) not more than 1%.

borne and printed on each of the labels affixed to each of the respective cans and kits containing the article, purported and professed that the standard and quality of the said article were such that it contained and consisted of lead arsenate in a proportion equivalent to not less than 10 per centum in a dry form and that it consisted of arsenic, equivalent to and expressed as metallic arsenic, in a proportion not less than 3 per centum, whereas the strength and purity of the said article fell below the said standard and quality in that in fact and in truth it contained and consisted of lead arsenate in a proportion equivalent to less than 10 per centum of the said article in a dry form and it contained and consisted of arsenic, equivalent to and expressed as metallic arsenic, in a proportion less than 3 per centum.

Misbranding was alleged in substance for the reason that above-quoted statements borne and printed on each of the said labels were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained and consisted of lead arsenate in a proportion equivalent to not less than 10 per centum thereof in a dry form and contained and consisted of arsenic, equivalent to and expressed as metallic arsenic, in a proportion not less than 3 per centum thereof, whereas in fact and in truth, it contained and consisted of lead arsenate in a proportion equivalent to less than 10 per centum thereof in a dry form and contained and consisted of arsenic, equivalent to and expressed as metallic arsenic in a proportion less than 3 per centum. Misbranding was alleged for the further reason that the said article consisted partially of inert substances, to wit, substances other than lead arsenate and copper, which inert substances and ingredients do not and did not prevent, destroy, repel or mitigate insects or fungi, and the names and percentage amounts of each and every one of the said inert ingredients were not stated plainly and correctly on each or any label affixed to each or any of the cans or kits containing the article, nor in lieu thereof were the names and the percentage amounts of each and every one of the ingredients so present in the article having insecticidal or fungicidal properties, and the total percentage of the said inert ingredients so present therein stated plainly and correctly on each or any label affixed to each or any of the said cans or kits.

On December 10, 1920, pleas of non vult to the informations were entered on behalf of the defendant company and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

684. Adulteration and misbranding of "Vitrio Brand Pure Paris Green."
U. S. * * * v. The James A. Blanchard Co., a corporation. Pleas of non vult. Fine, \$50. (I. & F. Nos. 712, 715. Dom. Nos. 13154, 12481.)

On July 11, 1919, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district, informations against The

James A. Blanchard Company, a corporation, Brooklyn, N. Y., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about January 9 and March 23, 1917, from the State of New York into the States of Florida and Maryland, respectively, of quantities of "Vitrio Brand Pure Paris Green", which was adulterated and misbranded within the meaning of said act.

Adulteration of the article was alleged in the informations for the reason that the words and statements, to wit, "Vitrio Brand Pure Paris Green. It is the best quality for agricultural purposes. Is strictly pure. * * *." borne and printed on each of the cartons and on the keg containing the article, purported and represented that the said article was pure Paris green, whereas in fact and in truth it was not pure Paris green, but a substance other than Paris green, to wit, sodium sulphate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the above quoted words and statements borne and printed on each of the cartons and on the keg containing the article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article was pure Paris green and that it was of the best quality for agricultural purposes, whereas in fact and in truth it was not pure Paris green, but it contained and consisted partly of a substance other than Paris green, to wit, sodium sulphate, and it was not of the best quality for agricultural purposes.

On December 10, 1920, pleas of non vult to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

685. Adulteration and misbranding of "Lion Brand Paris Green." U. S. * * * v. The James A. Blanchard Co., a corporation. Plea of non vult. Fine, \$25. (I. & F. No. 718. Dom. No. 13988.)

On July 6, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The James A. Blanchard Company, a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about April 5, 1918, from the State of New York into the State of Virginia, of a quantity of "Lion Brand Paris Green," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the words and statements, to wit, "Warranted strictly pure Paris green * * * Lion Brand Pure Paris Green. The quality is guaranteed to conform to all Government and State Laws regulating the manufacture and sale of Paris Green." borne and printed on each of the labels affixed to each of the packages containing the said article purported and represented that the article was pure Paris green, whereas in fact and in truth, it was not, but a substance other than Paris green, to wit, sodium sulphate, had been substituted in part for Paris green in the said article.

Misbranding was alleged in substance for the reason that the above quoted statements borne and printed on each of the said labels were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was pure Paris green, whereas, in fact and in truth it was not pure Paris green, but did consist of a mixture of Paris green and a substance, to wit, sodium sulphate, other than Paris

green. Misbranding was alleged for the further reason that the said article consisted partially of an inert substance, to wit, sodium sulphate, which inert substance and ingredient does not and did not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert ingredient so present in the said article were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the packages containing the article, nor in lieu of the name or the percentage amount of the said inert ingredient were the names and the percentage amounts of each and every ingredient of the article having insecticidal properties, and the total percentage of the said inert ingredient so present therein stated plainly and correctly on each or any label affixed to each or any of the said packages.

On December 10, 1920, a plea of non vult to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

686. Misbranding of "Germo Pine-Ol Disinfectant." U. S. * * * v. Germa Manufacturing Co., a corporation. Plea of nolo contendere. Fine, \$25. (I. & F. No. 719. Dom. No. 13727.)

On October 27, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Germa Manufacturing Company, a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about September 8, 1917, from the State of California into the State of Nevada, of a quantity of "Germo Pine-Ol Disinfectant," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in substance in the information for the reason that the statements regarding the article, to wit,

"Germo Pine-Ol Disinfectant * * * Directions and Uses—One ounce (about two tablespoonfuls) to one gallon of fresh water makes a strong effective and handy disinfectant for general uses. Pour the water into this disinfectant. For use in the sick room—To prevent the spread of infectious diseases, as scarlet fever, measles, diphtheria, typhus, pneumonia, consumption, cholera, influenza, etc., wash the floor, walls and furniture. Sprinkle freely everywhere. Hang clothes dipped in the solution around the room. Spittoons and chambers should contain the solution and clothes and dishes used by the sick should be soaked with it before being taken from the sick room, using the strength 1 ounce to a gallon of water. For skin diseases, etc.—Bathe the affected parts, 1 tablespoonful to a quart of water. For bites of insects, mosquitoes, etc., for chilblains, chapped hands, bad smelling and sweating feet, the fluid may be used pure by rubbing the affected parts with it and making a bath of the strength, 1 ounce to a quart of water. * * * For rinsing water in washing or the laundry it will not stain the finest fabrics, use 1 teaspoonful to a bucket of water. For garbage boxes, vaults, cesspools, etc., to destroy both the bad odors and germs, use 1 pint to 5 gallons of water. For washing floors, sinks refrigerators, stables where animals are kept. Half a pint to 5 gallons of water. To keep the air sweet and clean in public places, schools, hospitals, hotels, factories, sprinkle freely. Half a pint to 5 gallons of water. During epidemics the streets, alleys, sidewalks, etc., should be sprinkled with a watering cart, using 1 quart to a barrel of water."

borne and printed on each of the labels affixed to each of the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in

that they represented that the article, when used and applied in the strength and proportion as directed thereby would be effective as a disinfectant, would prevent the spread of scarlet fever, measles, diphtheria, typhus, pneumonia, consumption, cholera, influenza, and all other infectious diseases, would be an effective treatment for all diseases of the skin and for the bites of all insects, would disinfect clothes in the laundry, would destroy all bad odors and all germs in garbage receptacles, vaults, and cesspools, would disinfect floors, sinks, refrigerators, and stables where animals are kept, would keep the air sweet and clean in public buildings, schools, hospitals, hotels, and factories, and would disinfect streets, alleys, and sidewalks, whereas in fact and in truth it would not.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, to wit, water, which said inert substance and ingredient did not and does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert ingredient so present in the said article was not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article, nor in lieu of the name and percentage amount of the inert ingredient were the names and percentage amounts of each and every one of the ingredients in the said article having insecticidal or fungicidal properties, and the total percentage of the said inert ingredient so present therein stated plainly and correctly, or at all, on each or any of the said cans.

On November 24, 1919, a plea of *nolo contendere* to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

687. Misbranding of "Formaldehyde," U. S. * * * v. Albany Chemical Co., a corporation. Plea of guilty. Fine, \$25. (I. & F. No. 763. Dom. No. 14637.)

On December 2, 1919, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Albany Chemical Company, a corporation, Albany, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 29, 1918, from the State of New York into the State of Pennsylvania, of a quantity of "Formaldehyde," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted partially of inert substances, to wit, water and methyl alcohol, which inert substances or ingredients, do not and did not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amounts of the said inert ingredients so present in the article were not stated plainly and correctly, or at all, on any label affixed to the carboy containing the article, nor in lieu of the name and percentage amounts of the said inert ingredients so present therein were the names and percentage amounts of each and every ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert ingredients so present therein stated plainly and correctly or at all, on any label affixed to the said carboy.

On May 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

688. Adulteration and misbranding of "Niagara Calcium Arsenate, Powdered." U. S. * * * v. 24 Barrels of "Niagara Calcium Arsenate, Powdered." Decree of condemnation and order releasing product under bond. (I. & F. No. 770. S. No. 67.)

On April 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 24, more or less barrels of "Niagara Calcium Arsenate, Powdered". It was alleged in the libel that the article was contained in barrels; that it had been shipped on or about July 24, 1919, by the Niagara Sprayer Company, a corporation, Middleport, N. Y., from Pine Bluff, Ark., into the State of Texas, and that having been so transported it remained unsold in the original unbroken packages at Dallas, Tex., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that the statement, to wit, "Arsenic in water soluble forms (expressed as metallic arsenic) _1%" borne and printed on each of the labels affixed to each of the barrels containing the said article, purported and professed that the standard and quality of the said article was such that it contained water-soluble arsenic, equivalent to and expressed as metallic arsenic, in the proportion of one per centum, whereas the purity of the said article fell below the said professed standard and quality in that, in fact and in truth, it contained arsenic in water-soluble forms in a proportion greater than one per centum. Adulteration was alleged for the further reason that the article was intended to be used on vegetation, to wit, the cotton plant, by dusting or sprinkling it on the said plant in order to destroy the cotton-boll weevil, and the said article contained a substance or substances which cause injury to the cotton plant when used and applied thereon and thereto in the said method and manner.

Misbranding was alleged for the reason that the statement borne on the labels of the barrels as aforesaid was false and misleading, and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that it represented that the article contained arsenic in water-soluble forms equivalent to and expressed as metallic arsenic in the proportion of one per centum, whereas in fact and in truth, it contained arsenic in water-soluble forms in a proportion greater than one per centum. Misbranding was alleged for the further reason that the said article contained arsenic in combinations thereof and in water-soluble forms, and the amount of the said arsenic so present therein in water-soluble forms was not stated correctly on each or any label affixed to each or any of the barrels containing the said article.

On May 16, 1921, a jury trial having been waived by the plaintiff and the claimant, the Glidden Company of Texas, and the case having come on for final disposition before the court, after the submission of evidence, judgment of condemnation was entered and it was ordered by the court that the product should be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000 in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

689. Adulteration and misbranding of "Vitrio Brand Dry Compound of Bordeaux Mixture and Paris Green." U. S. * * * v. The James A. Blanchard Co., a corporation. Plea of non vult. Fine, \$25. (I. & F. No. 806. Dom. No. 14116.)

On May 21, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

The James A. Blanchard Company, a corporation, alleging that the said company had sold, under a guarantee that the article should meet the requirements of the Insecticide Act of 1910, a quantity of "Vitrio Brand Dry Compound of Bordeaux Mixture and Paris Green," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act, and that, on or about November 19, 1917, the said article was shipped, in the identical condition as when received, by the purchaser thereof, from the State of New York into the State of Delaware in further violation of the said act.

Adulteration of the article was alleged in the information for the reason that the statements regarding the article borne on each of the labels affixed to the packages containing the said article, to wit, "Active Ingredients: Paris Green, 30% to 36% * * * Inert Ingredients: 52% to 55% Total Arsenic (Expressed as Percentage of Metallic Arsenic): 13% to 15%. * * *," purported and professed that the standard and quality of the said article were such that it contained Paris green in a proportion not less than 39 per centum and not greater than 36 per centum, and that it contained inert ingredients, that is to say, ingredients or substances which do not prevent, destroy, repel, or mitigate insects or fungi, in a proportion not greater than 55 per centum, and that it contained arsenic, equivalent to and expressed as metallic arsenic, in a proportion not less than 13 per centum, whereas the strength and purity of the said article fell below the said professed standard and quality under which it was sold in that in fact and in truth it contained Paris green in a proportion less than 30 per centum, inert ingredients in a proportion greater than 55 per centum, and arsenic equivalent to and expressed as metallic arsenic in a proportion less than 13 per centum.

Misbranding was alleged for the reason that the above-quoted statements borne and printed on the said labels were false and misleading and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained Paris green in a proportion not less than 30 per centum, that it contained inert ingredients, that is to say ingredients or substances which do not and did not prevent, destroy, repel, or mitigate insects or fungi, in a proportion not greater than 55 per centum, and that it contained arsenic, equivalent to and expressed as metallic arsenic, in a proportion not less than 13 per centum, whereas in truth and in fact it contained Paris green in a proportion less than 30 per centum, inert ingredients in a proportion greater than 55 per centum, and total arsenic in a proportion less than 13 per centum.

On December 10, 1920, a plea of non vult to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

690. Misbranding of "Vitrio Brand Bordeaux Mixture." U. S. * * * v. The James A. Blanchard Co., a corporation. Plea of non vult. Fine, \$25. (I. & F. No. 807. Dom. No. 14117.)

On May 21, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The James A. Blanchard Company, a corporation, alleging that the said company had sold, under a guarantee that the article should meet the requirements of the Insecticide Act of 1910, a quantity of "Vitrio Brand Bordeaux Mixture," which was a misbranded fungicide within the meaning of said act, and that, on or about November 19, 1917, the said article, in the identical condition as when received, was shipped by the purchaser thereof from the State of New York into the State of Delaware in further violation of the said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 pint", borne and impressed on the outside of each of the cans containing the article, represented and operated to state that the contents thereof were, in terms of measure, one pint, that is to say, 16 ounces of the said article, whereas the contents of each of the said cans were not plainly and correctly stated on the outside thereof, in that the contents of each of the said cans were in fact and in truth less than one pint.

On December 10, 1920, a plea of non vult to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

691. Adulteration and misbranding of "Lion Brand Bordeaux Mixture."
U. S. * * * v. The James A. Blanchard Co., a corporation. Plea
of non vult. Fine, \$25. (I. & F. No. 866. Dom. No. 15205.)

On May 21, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The James A. Blanchard Company, a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about March 26, 1919, from the State of New York into the State of New Jersey, of a quantity of "Lion Brand Bordeaux Mixture," which was an adulterated and misbranded fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement, to wit, "Active ingredients Copper 4 to 6%. Inert ingredients 94 to 96%," borne and printed on each of the labels affixed to each of the cans containing the said article, purported and professed that the standard and quality of the article were such that it contained and consisted of copper, which is a substance having fungicidal properties, in a proportion of four to six per centum, and that it contained and consisted of inert substances, that is to say, substances which do not and did not prevent, destroy, repel, or mitigate fungi in the proportion of 94 to 96 per centum, whereas the strength and purity of the article fell below the said standard and quality in that in fact and in truth it contained and consisted of copper in a proportion less than four per centum and inert substances in a proportion greater than 96 per centum.

Misbranding of the article was alleged for the reason that the statements, to wit, "Active Ingredients Copper 4 to 6% Inert Ingredients 94 to 96%", and "1 Quart." borne and printed on each of the labels affixed to each of the said cans were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article contained and consisted of copper, which is a substance having fungicidal properties, in a proportion of four to six per centum, and of inert substances, that is to say, substances which do not prevent, destroy, repel, or mitigate fungi, in the proportion of 94 to 96 per centum, and that the contents of each of the said cans were in terms of measure one quart, that is to say, 32 fluid ounces, whereas in truth and in fact the said article contained and consisted of copper in a proportion less than four per centum and of inert substances in a proportion greater than 96 per centum, and the contents of each of the said cans were not plainly and correctly stated on the outside thereof in that the contents of each of the said cans were less than one quart.

On December 10, 1920, a plea of non vult to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

692. Misbranding of "Cearmist Insectifuge." U. S. * * * v. Fred E. Hall, Inc., a corporation. Pleas of nolo contendere. Fine, \$20. (I. & F. Nos. 880, 881. Dom. Nos. 11344, 15284.)

On July 23, 1920, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district, informations against Fred E. Hall, Incorporated, a corporation, Providence, R. I., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 1 and May 18, 1918, from the State of Rhode Island into the States of Connecticut and Massachusetts, respectively, of quantities of "Cearmist Insectifuge," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the informations for the reason that certain words and figures, borne and printed on each of the labels affixed to the outside of each of the cans containing the article, to wit, "One Pint. * * *. Cearmist is a Blend of Coal Oil, Oil of Cedar * * *," were false and misleading and by reason thereof the said article was labeled and branded so as to deceive and mislead the purchaser in that they represented and operated to state that the contents of each of the said cans were in terms of measure one pint, that is to say, 16 fluid ounces of the said article, and that the product involved in the consignment of May 18, 1918, into Massachusetts contained oil of cedar, whereas the contents of the said cans were not plainly and correctly stated on the outside of each of the cans in that the contents thereof were in fact and in truth less than one pint, and the product involved in the consignment of May 18 into Massachusetts did not contain any oil of cedar.

On January 3, 1921, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

693. Misbranding of "Lime Sulphur." U. S. * * * v. William P. Wood, Thomas Whittet, Robert W. Wood, and Gordon F. Wood (T. W. Wood and Sons). Pleas of guilty. Fine, \$25. (I. & F. No. 908. Dom. No. 14783.)

On October 11, 1920, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William P. Wood, Thomas Whittet, Robert W. Wood, and Gordon F. Wood, trading as T. W. Wood & Sons, Richmond, Va., alleging shipment by said defendants, in violation of the Insecticide Act of 1910, on or about February 4, 1919, from the State of Virginia into the State of Georgia, of a quantity of lime sulphur solution, which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that it consisted partially of inert substances, to wit, substances other than calcium polysulphide and calcium thiosulphate, which said inert substances do not prevent, destroy, repel, or mitigate insects and fungi, to wit, putrefactive and pathogenic bacteria, and the names and percentage amounts of the inert ingredients so present in the said article were not stated plainly and correctly on each or any label affixed to each or any of the packages containing the said article. nor in lieu thereof were the names and the percentage amounts of each and every ingredient of the said article having insecticidal and fungicidal properties, and the total percentage of the said inert ingredients so present

therein, stated plainly and correctly on each or any label affixed to each or any of the said cans.

On April 4, 1921, the defendants entered pleas of guilty to the information and the court imposed a fine \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

694. Misbranding of "Bed-Bug-Poison." U. S. * * * v. Stewart & Holmes Drug Co., a corporation. Plea of guilty. Fine, \$150. (I. & F. No. 942. Dom. No. 15084.)

On November 26, 1920, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stewart & Holmes Drug Company, a corporation, Seattle, Wash., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about July 1, 1919, from the State of Washington into the State of Montana, of a quantity of "Bed-Bug-Poison" which was a misbranded insecticide within the meaning of said act.

Misbranding was alleged with respect to two or more of the bottles of the article for the reason that the statements regarding the article, borne and printed on each of the said bottles, to wit, "Contains Inert Matter as Water 88.44%," was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser in that it represented and professed that the said article contained inert matter, water, which said inert matter or substance does not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 88.44 per centum, whereas in fact and in truth the said article contained inert matter, to wit, water, in a proportion more than 88.44 per centum. Misbranding was alleged with respect to the article contained in 3 or more of the bottles for the further reason that it consisted partially of inert substances or ingredients, to wit, water and ammonium chloride, which inert substances or ingredients did not and do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of the said inert substances or ingredients so present in the article were not stated correctly, and with respect to one or more of the bottles were not stated plainly or at all, on each or any label affixed to each or any of the bottles, nor in lieu of the names and percentage amounts of the said inert ingredients, were the names and percentage amounts of each and every ingredient having insecticidal properties, and the total percentage of the inert ingredients, stated correctly, and with respect to one or more of the bottles were not stated plainly or at all, on each or any label affixed to each or any of the said bottles.

On December 16, 1920, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

695. Adulteration and misbranding of "Nicoticide." U. S. * * * v. P. R. Palethorpe Co., Inc. Plea of guilty. Fine, \$50 and costs. (I. & F. No. 954. Dom. No. 14674.)

On February 18, 1921, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against P. R. Palethorpe Company, Incorporated, Clarksville, Tenn., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 2, 1919, from the State of Tennessee into the State of Massachusetts, of a quantity of "Nicoticide" which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statement borne and printed on each of the labels affixed to each of the cans containing the article, regarding the article, to wit, "An insecticide containing 40 per cent of nicotine (active) and 60 per cent inert ingredients," purported and professed that the standard and quality of the said article were such that it contained nicotine, which said substance is effective as a remedy to prevent, destroy, repel, and mitigate insects, to wit, the green fly and thrip, that infest or attack plants, in a proportion of not less than 40 per centum thereof, and that it contained inert ingredients; that is to say, ingredients or substances that would not be effective as a remedy to prevent, destroy, repel, or mitigate insects, to wit, the green fly and thrip, that infest or attack plants, in a proportion of not more than 60 per centum thereof; whereas the strength and purity of the said article fell below the said professed standard and quality under which it was sold, in that in fact and in truth it contained nicotine in a proportion much less than 40 per centum thereof and inert substances or ingredients in a proportion much greater than 60 per centum thereof.

Misbranding was alleged for the reason that the statements, to wit, "An insecticide containing 40 per cent nicotine (active) and 60 per cent inert ingredients." "To be used against Green Fly and Thrip on Plants * * * Spraying—one ounce to ten or fifteen gallons of water is generally used if sprayed often at first, each time from a different direction. Spray is better with addition of soap, one ounce to two gallons. The spray should be repeated at intervals as the young hatch out. Those not familiar with 'Nicotidine' are advised to try it first, on a small scale, so they can see just what it will do and avoid using more than necessary." borne and printed on each of the labels affixed to the said cans were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article contained nicotine in the proportion of 40 per centum thereof and inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, to wit, the green fly and thrip, in the proportion of 60 per centum thereof, and that it would be effective against the green fly and thrip that infest and attack plants when used in the method and manner as directed thereby; whereas in fact and in truth it contained nicotine in a proportion much less than 40 per centum and inert ingredients in a proportion much greater than 60 per centum of the said article and when used in the method and manner as directed by the said statements would not be effective against the green fly and thrip.

On April 1, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

696. Misbranding of "Kempure." U. S. * * * v. Albany Chemical Co., a corporation. Plea of guilty. Fine, \$25. (I. & F. No. 962. Dom. No. 14688.)

On February 4, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Albany Chemical Company, a corporation, Albany, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about April 10, 1919, from the State of New York into the State of Massachusetts, of a quantity of "Kempure," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements regarding the said article, to wit,

"Kempure The Universal Disinfectant * * * About four times as effective as carbolic acid." " * * * Protects Health. The superior disinfectant, cleanser, antiseptic, preventative and deodorant for household and hospital use. * * * Doctors, nurses, careful housewives agree that Kempure Disinfectant protects health. Directions—Three tablespoonfuls of Kempure Disinfectant to a pail of water make a household solution that disinfects as it cleans. Make your home 'clean as a hospital' by washing floors, walls, shelves and cleaning refrigerators and other food containers with the above weak solution of Kempure Disinfectant. Keep your home free from germs, flies and vermin and destroy foul odors by pouring occasionally a weak solution of Kempure Disinfectant into garbage pails, sinks, toilets and dark, damp breeding places."

borne and printed on each of the labels affixed to each of the bottles containing the article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they purported and professed that the said article was four times as effective in bactericidal and disinfecting properties than as is pure carbolic acid and that when used and applied in the method and manner and in the strengths and proportions as directed thereby would under all circumstances protect the health of persons in the home and in hospitals, would keep homes free from germs, flies, and vermin, and would destroy all foul odors in and about homes; whereas in fact and in truth the said article was less than four times as effective in bactericidal and disinfecting properties as is pure carbolic acid and when used and applied in the method and manner and in the strengths and proportions as directed by the said statements would not under all circumstances protect the health of persons in homes and in hospitals, would not keep homes free from germs, flies, or vermin, and would not destroy all foul odors in and about homes.

On May 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

697. Misbranding of "Kempure." U. S. * * * v. Albany Chemical Co., a corporation. Plea of guilty. Fine, \$25. (I. & F. No. 963. Dom. No. 15290.)

On February 4, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Albany Chemical Company, a corporation, Albany, N. Y., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about May 3, 1919, from the State of New York into the State of Connecticut, of a quantity of "Kempure" which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements regarding the said article, to wit,

"Kempure The Universal Disinfectant * * * About four times as effective as carbolic acid." " * * * Protects Health. The superior disinfectant, cleanser, antiseptic, preventative and deodorant for household and hospital use. * * * Kempure Disinfectant protects health. Directions—Three tablespoonfuls to a pail of water will make your home 'clean as a hospital.' Wash floors, walls, shelves and clean refrigerators and other food containers with this weak solution of Kempure Disinfectant. Keep your homes free from germs, flies and vermin and destroy foul odors, by pouring occa-

sionally a weak solution into garbage pails, sinks, toilets and dark, damp breeding places."

borne and printed on each of the labels affixed to each of the bottles containing the article were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article was four times as effective in bactericidal and disinfecting properties than as is pure carbolic acid and that, the said article, when used and applied in the method and manner and in the strengths and proportions as directed by the said statements would under all circumstances protect the health of persons in the home and in hospitals, would keep homes free from germs, flies, and vermin, and would destroy all foul odors in and about homes; whereas in fact and in truth the said article was less than four times as effective in bactericidal and disinfecting properties as is pure carbolic acid and when used and applied in the method and manner and in the strengths and proportions as directed by the said statements would not under all circumstances protect the health of persons in homes and hospitals, would not keep homes free from germs, flies, or vermin, and would not destroy all foul odors in and about homes.

On May 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**698. Adulteration and misbranding of "Chlorinated Lime." U. S. * * *
v. 76 Cans of Hudson Chlorinated Lime and 96 Cans of Acme Chlorinated Lime. Default decrees of condemnation, forfeiture, and sale or destruction. (I. & F. Nos. 973, 974. S. Nos. 96, 97.)**

On December 7, 1920, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district, libels praying condemnation and forfeiture of 76 cans of "Hudson Chlorinated Lime" and 96 cans of "Acme Chlorinated Lime." It was alleged in the libels that the article had been shipped on or about March 15, and September 4, 1920, respectively, by B. T. Babbitt, New York, N. Y., from Albany, N. Y., into the State of New Hampshire, and that having been so transported it remained unsold in the original unbroken packages at Manchester, N. H., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libels for the reason, that the words, figures, and statement, borne and printed on each of the labels affixed to the cans containing the article, to wit:

Active ingredient

Available Chlorine..... 30%

Inert Ingredients

Calcium Oxide..... 50%

Moisture..... 14%

Magnesia, Silica, Chlorine, etc..... 4%

purported and professed that the standard and quality of the said article were such that it contained available chlorine, which said substance has the property of preventing, destroying, repelling, and mitigating fungi, to wit, putrefactive and pathogenic bacteria, in the proportion of 30 per centum and that it contained inert ingredients—that is to say, substances which do not prevent, destroy, repel, or mitigate fungi—in the proportion of 70 per centum, whereas the strength and purity of the said article fell below the said professed stand-

ard and quality, in that, in fact and in truth, it contained available chlorine in a proportion less than 30 per centum and inert ingredients in a proportion greater than 70 per centum.

Misbranding was alleged for the reason that the aforesaid words, figures, and statements regarding the said article were false and misleading, and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article contained available chlorine, a substance which prevents, destroys, repels, and mitigates fungi, to wit, putrefactive and pathogenic bacteria, in the proportion of 30 per centum and that it contained inert ingredients—that is to say, substances which do not prevent, destroy, repel, and mitigate fungi—in the proportion of 70 per centum, whereas in fact and in truth the said article contained available chlorine in a proportion less than 30 per centum and inert ingredients in a proportion greater than 70 per centum.

On May 5, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product should be sold or destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**699. Adulteration and misbranding of "Shores Fly Powder." U. S. * * *
v. Shores-Mueller Co., a corporation. Plea of guilty. Fine, \$50 and
costs. (I. & F. No. 994. Dom. No. 15856.)**

On May 24, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Shores-Mueller Company, a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 17, 1919, from the State of Iowa into the State of Colorado, of a quantity of "Shores Fly Powder," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, the tissues of the flowers of the plant known as the field daisy were substituted in part for the said article.

Misbranding was alleged for the reason that certain statements, to wit, "Bug and Insect Destroyer. Sure death to bugs and insects. * * * Shores Fly Powder is harmless to man but is death to bugs and insects." borne and printed on each of the labels affixed to each of the cartons containing the article were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article was an effective remedy against all kinds of bugs and all kinds of insects that infest households and that infest, annoy, or attack man, animals, and fowls, whereas in fact and in truth it was not. Misbranding was alleged for the further reason that the said article consisted partially of inert substances or ingredients, to wit, pyrethrum flower stems and daisy flower tissues, which said inert substances do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of each and every one of the said inert substances so present therein were not stated plainly and correctly on each or any label affixed to each or any of the said cartons, nor in lieu of the names and the percentage amounts of the said inert substances or ingredients were the names and the percentage amounts of each and every ingredient of the said article having insecticidal properties, and the total percentage of the said inert substances or ingredients so present in the article

stated plainly and correctly on each or any label affixed to each or any of the said cartons.

On May 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

700. Adulteration and misbranding of "Shores Stock Dip." U. S. * * * v. Shores-Mueller Co., a corporation. Plea of guilty. Fine, \$75 and costs. (I. & F. No. 995. Dom. No. 15855.)

On April 9, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Shores-Mueller Company, a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 17, 1919, from the State of Iowa into the State of Colorado of a quantity of "Shores Stock Dip," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements regarding the article, to wit, "Shores Stock Dip is a coal-tar creosote dip and disinfectant having a disinfecting strength of three and one-third times that of carbolic acid," borne and printed on each of the labels affixed to each of the cans containing the said article, purported and professed that the standard and quality of the article were such that it possessed disinfecting strength and efficiency three and one-third times as great as that of carbolic acid, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold in that, in fact and in truth, the disinfecting strength and efficiency thereof was less than three and one-third times as great as that of carbolic acid.

Misbranding was alleged for the reason that certain statements, to wit,

"* * * Pure Stock Dip for Lice, Mites, Mange, Scab, Etc., on all kinds of Farm Animals. Also for Fleas on Dogs, Insects on Trees, Etc. * * * Shores Stock Dip is a coal-tar creosote dip and disinfectant having a disinfecting strength of three and one-third times that of Carbolic Acid. Since this Dip contains no Carbolic Acid, it can be used in perfect safety where a Carbolic Acid Dip might be dangerous by reason of its corrosive and burning qualities. Shores Stock Dip has been sold to the Government for disinfectant purposes, which indicates that it meets the approval of Federal Authorities as a disinfectant. * * * Directions for Using Shores Stock Dip and Disinfectant * * * Horses and Cattle * * * Mange—Dip in a solution of one part of this dip to 60 to 75 of water. Repeat in ten days * * * Hogs * * * Mange and eczema—Dip in a solution of one part of this Dip to 40 to 50 parts water. Repeat in ten days. * * * Poultry * * * Cholera—Disinfect with a solution of one part Dip to 100 parts water and add six drops of Dip to each quart of drinking water.

borne and printed on each of the labels affixed to each of the said cans, were false and misleading and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article possessed disinfecting strength and efficiency three and one-third times as great as that of carbolic acid, that it did not contain carbolic acid, that it did not possess corrosive or burning qualities and could be used with greater safety than could so-called carbolic acid dips, that it met the approval of the Federal authorities as a disinfectant, and that when used as directed it would be effective against all types and varieties of mites, mange, scab, etc., on all kinds of farm animals, against all insects on trees, all

types and varieties of mange on horses and cattle, all types and varieties of mange and eczema on hogs, and would be effective in the treatment of cholera in poultry, whereas in fact and in truth the disinfecting strength and efficiency of the said article was less than three and one-third times as great as that of carbolic acid, it did contain carbolic acid, did possess corrosive or burning qualities and could not be used with greater safety than could so-called carbolic acid dips, it did not meet the approval of the Federal authorities as a disinfectant, and when used as directed would not be effective against all types and varieties of mites, mange, scab, etc., on all kinds of farm animals, all insects on trees, all types and varieties of mange on horses and cattle, all types and varieties of mange and eczema on hogs and would not be effective in the treatment of cholera in poultry.

Misbranding was alleged for the further reason that the said article consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and the percentage amount of the said inert substance or ingredient so present therein were not stated plainly and correctly, or at all, on each or any label affixed to each or any of the cans containing the article, nor in lieu of the name and the percentage amount of the said inert substance or ingredient were the names and the percentage amounts of each and every ingredient of the said article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients contained therein stated plainly and correctly, or at all, on each or any label affixed to each or any of the said cans.

On May 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



